

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA**

THOMAS KRAKAUER,)	
)	
Plaintiff,)	CASE NO. 1:14-CV-00333-CCE-JEP
)	
-vs-)	
)	
DISH NETWORK LLC,)	
)	
Defendant.)	
_____)	

DEFENDANT’S RULE 26(a)(3)(A) PRETRIAL DISCLOSURES

A. Witnesses Whom DISH Expects to Present at Trial

Witness Name	Address
Ahmed, Amir	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112
Aron, Debra	Navigant Economics 1603 Orrington Avenue, Suite 1500 Evanston, IL 60201
DeFranco, Jim	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112
Fenili, Robert	Georgetown Economic Services Washington Harbour, Suite 400 3050 K Street, NW Washington, DC 20007
Mills, Michael	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112
Musso, Reji	Care of: Orrick, Herrington & Sutcliffe LLP 51 West 52nd Street New York, NY 10019
Werner, Bruce	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112

B. Witnesses Whom DISH May Present at Trial

Witness Name	Address
Montano, Joey	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112
McRae, Holly Taber (subject to the Court's ruling)	Care of: Orrick, Herrington & Sutcliffe LLP 51 West 52nd Street New York, NY 10019
Neylon, Brian	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112
Taylor, John	4400 River Green Parkway, Suite 100 Duluth, GA 30096
Van Emst, Blake	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112
Any witness necessary to authenticate a document	
All witnesses identified by the Plaintiff	

C. Witnesses Whom DISH Expects to Present by Deposition

Witness Name	Address
Hill, David	859 Cherry Blossom Lane Tracy, CA 95377
Tehranchi, Bahar	651 Wald Irvine, CA 92618

D. Exhibits DISH Expects to Present at Trial

Exhibit No.	Beginning Bates	Description	Otherwise marked
1	FTC304-000360	Facts Blast	
2	DISH004187	Facts Blast	
3	DISH-000000376	Script Retailer Chat	
4	DISH5-	Retailer Chat Video File	

	0000065246		
5	DISH-00006252	PossibleNow Grace Period Ended	
6	DISH-Paper-07983	Email Re Satellite Systems Network	
7	DISH-PAPER-008060	Emails between Snyder, Dougherty et al.	
8	DISH-PAPER-007980	E-mails between Tehranchi, Snyder et al.	
9	DISH5-0000012550	Tehranchi Ex. 131 (Donaca v. Dish)	
10	D-KRAK000293	Dish Network and SSN Retailer Agreement	
11	Krakauer000260	Letter DOJ North Carolina to T. Krakauer	
12	Krakauer000074	Letter from Norris Law Firm to T. Krakauer	
13	Krakauer-Five900039823	Five9 Contract	
14		Letter from DOJ N.C. to T. Krakauer from NCDOJ	
15	D-KRAK000020	Email from Musso to Tehranchi	
16	DISH5-0000001358	Email from R. Musso Re Satellite Systems Network	
17		Lockheed Martin DNC Monthly Report	Thirukkonda 10, French 3
18		Federal Trade Commission Do Not Call Registry Project Internal Design Document – Performance Reports	French 2
19		FTC Letter from E. Vogt to C. Brown	Miller 11
20	FTC350-000142	Email from Lockheed Martin to Targus	French 6, Shaffer 15
21	DISH000151	PossibleNow Issue Report Form: Lockheed Martin November 2008 Process Issue	Horne 13, PossibleNOW 24
22	FIVE9000073	Addendum Service Order	
23	DISH-Paper-014889	Retailer Agreement	
24	SSN000237	Signed Retailer Agreement Portions	
25	DISH11-038199	FTC Report of DNC Composition	
26	SSN004759	Report of DNC Scrub Session	
27	DISH-00006573	Emails between Musso, Origer, et al.	
28	DISH-00006718	Retailer Chat Possible Now	
29	DISH-00001986	Investigator Process for DNC	
30	DISH-00001982	Investigator Process for DNC	
32	D-KRAK001802	DISH_CustomerList_STELAcompliant.xlsx	

E. Exhibits DISH May Present at Trial

Exhibit No.	Beginning Bates	Description	Otherwise marked
33	DISH8-0000218	DISH 2009 DNC Policy	
34	DISH9-0012173	E-mails between Ahmed, Ergen et al.	
35		Declaration of Rehan Quader executed March 17, 2015	Doc. 56
36		Declaration of Laura Dozois executed April 9, 2015	Doc. 56
38	LN_Output_Dish_II_busreslookupfile	Lexis Nexis Data	
39	Reverse Phone Search_Batch StandardInput_Template_version010_081314ABDRevph_output.xls	Microbilt Data	
40		Craig Stroup and John Vu, "Numbering Resource Utilization in the United States: NRUF Data as of June 30, 2010, Porting and Toll-Free Data as of September 30, 2010," Federal Communications Commission, April 2013.	Expert Report of Debra Aron
41		Kooser, Amanda C. "In the Book? A 'White Pages' for Mobile Phone Users is on its Way." Entrepreneur Media Inc. 2004 (Fenili Reliance Materials)	March 2015 Expert Report of Robert Fenili
42		Federal Trade Commission, "National Do Not Call Registry: Data Book, FY 2013," December 2013.	March 2015 Expert Report of Robert Fenili
43		Federal Trade Commission, "National Do Not Call Registry: Data Book FY 2014," November 2014.	March 2015 Expert Report of Robert Fenili
44		Prepared State of the Federal Trade Commission of the United States of America on the Do Not Call Provisions of the Telemarketing Sales Rule, Before the Committee on Industry, Natural Resources, Science, and Technology of the Canadian Parliament, Ottawa, Ontario, Canada. May 4, 2005.	March 2015 Expert Report of Robert Fenili
45		Caroline E. Mayer. "Bogus E-Mail Worries Users of Cell Phones, December 10, 2004 [Correction 12/20/04]." The Washington Post Newsweek Interactive	March 2015 Expert Report of Robert Fenili

46		“Do-not-call requests now back to routine.” Omaha World Herald (Omaha, NE). McClatch Tribunal Information Services. 2005. HighBeam Research 17 Jul. 2012.	March 2015 Expert Report of Robert Fenili
47		Alyssa Abkowitz. “Wrong Number? Blame Companies’ Recycling.” Wall Street Journal. December 1, 2011.	March 2015 Expert Report of Robert Fenili
48		Hal R. Varian, Fredrik Wallenberg, and Glenn Woroch, “Who Signed Up for the Do-Not-Call List?” Workshop on Economics and Information Security, University of Minnesota 2004	March 2015 Expert Report of Robert Fenili
49		Federal Trade Commission, Bureau of Consumer Protection, Division of Consumer & Business Education, "Q&A: The National Do Not Call Registry" September 2009.	March 2015 Expert Report of Robert Fenili
50		Federal Trade Commission, "Do Not Call Improvement Act of 2007", Report to Congress: Regarding the Accuracy of the Do Not Call Registry, October 2008, p. 4	March 2015 Expert Report of Robert Fenili
51	Dish-00000449	DISH 2002 DNC Policy	
52	Dish-00001939	DISH 2004 DNC Policy	
53		List of Phone Numbers on Mailing List with No name and/or Address Information for Sending Notice	Exhibit B: Defendant Dish Network L.L.C.'s Response to Plaintiff's Motion for Approval of Class Notice and Memorandum in Support
54		List of Instances Where Name(s) on the Mailing List are Different than Names on Lexis Nexis Data with Same Phone Number	Exhibit C: Defendant Dish Network L.L.C.'s Response to Plaintiff's Motion for Approval of Class Notice and Memorandum in Support
55		Extracts of Name Mismatches and Inaccurately Updated Addresses Compiled from the Five9 Records, Microbilt Data, and Updated Mailing List	Exhibit E: Defendant Dish Network L.L.C.'s Response to Plaintiff's Motion

			for Approval of Class Notice and Memorandum in Support
56		Summary of Call Records that have Name Information (By Unique Phone Number)	Exhibit 7: Expert Report of D. Aron dated March 12, 2015
57		Summary of Lexis Nexis Data with no Relevant Name Information	Exhibit 8: Expert Report of D. Aron dated March 12, 2015
58		Examples of Lexis Nexis Data with Name Differences	Exhibit 9: Expert Report of D. Aron dated March 12, 2015
59		Summary of Call Records that have name Information Limited to 23,681 Phone Numbers Sent to Lexis Nexis	Exhibit 10: Expert Report of D. Aron dated March 12, 2015
60		Examples of Name Differences Between Lexis Nexis and Five9 Data	Exhibit 11: Expert Report of D. Aron dated March 12, 2015
61		Summary of Phone Numbers that have Information Limited to 23,681 Phone Numbers Sent to Lexis Nexis	Exhibit 12: Expert Report of D. Aron dated March 12, 2015
62		Summary of Call Records that have Name Information Limited to 16,515 Phone Numbers that also have Information Between 5/2010 and 8/2011	Exhibit 13: Expert Report of D. Aron dated March 12, 2015
63	Krakauer000263	DirectTV Order Receipt	
64	SSN004759	SSN Scrub Receipt	
65	SSN004760	SSN Scrub Receipt	
66	SSN004761	SSN Scrub Receipt	
67	SSN004762	SSN Scrub Receipt	
68	SSN004763	SSN Scrub Receipt	
69	SSN004764	SSN Scrub Receipt	
70	SSN004765	SSN Scrub Receipt	
71	SSN004766	SSN Scrub Receipt	
72	SSN004767	SSN Scrub Receipt	
73	SSN004768	SSN Scrub Receipt	
74	SSN004769	SSN Scrub Receipt	
75	DISH11-017489	Facts Blast	
76	FTC003-073872	2003 Business Rules	
77		Undeliverable Postcards	

78		Opt Out Notices Received by AB Data	
79		Facts Blast	Tehranchi 151 (Donaca v. Dish)
80		Letter from D. Milhoan to P. Bicks	
81	Krakauer000261	DirecTV Annual Programming Commitment Agreement	
82	Dish-00006850	DISH 2006 DNC Policy	
83	Dish-00006052	DISH 2008 DNC Policy	
100		Five9 Excerpt (052010 – 102010) [Stipulation Ex. 31A]	
101		Five9 Excerpt (112010 – 082011) [Stipulation Ex. 31A]	
102		Lexis Nexis Excerpt [Stipulation Ex. 31A]	
103		Five9 Excerpt (052010 – 102010) [Stipulation Ex. 31D]	
104		Five9 Excerpt (112010 – 082011) [Stipulation Ex. 31D]	
105		Lexis Nexis Excerpt [Stipulation Ex. 31D]	
106		Five9 Excerpt (052010 – 102010) [Stipulation Ex. 31K]	
107		Five9 Excerpt (112010 – 082011) [Stipulation Ex. 31K]	
108		Lexis Nexis Excerpt [Stipulation Ex. 31K]	
109		Five9 Excerpt (052010 – 102010) [Stipulation Ex. 31L]	
110		Five9 Excerpt (112010 – 082011) [Stipulation Ex. 31L]	
111		Lexis Nexis Excerpt [Stipulation Ex. 31L]	
112		Five9 Excerpt (052010 – 102010) [Stipulation Ex. 31U]	
113		Five9 Excerpt (112010 – 082011) [Stipulation Ex. 31U]	
114		Lexis Nexis Excerpt [Stipulation Ex. 31U]	
115		Five9 Excerpt (052010 – 102010) [Stipulation Ex. 31X]	
116		Five9 Excerpt (112010 – 082011) [Stipulation Ex. 31X]	
117		Lexis Nexis Excerpt [Stipulation Ex. 31X]	

DISH also reserves the right to use any exhibit on Plaintiff's exhibit list at trial.

Dated: January 3, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

The foregoing document was filed electronically on January 3, 2017. Notice of this filing will be sent to all parties registered with the Court's electronic filing system by operation of the Court's system. Parties may access this filing through the Court's electronic filing system.

/s/ Peter A. Bicks

Peter A. Bicks